

House Bill 1209 (AS PASSED HOUSE AND SENATE)

By: Representatives Chambers of the 81<sup>st</sup>, Wilkinson of the 52<sup>nd</sup>, and Watson of the 91<sup>st</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, so as to provide for payment of certain moneys arising from traffic fines generated by motorcycle enforcement to the Department of Public Safety for the maintenance and enhancement of the motorcycle enforcement program; to amend Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, so as to provide for payment of certain moneys arising from traffic fines generated by motorcycle enforcement to the Department of Public Safety for the maintenance and enhancement of the motorcycle enforcement program; to provide for an effective date, automatic repeal, and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a)(1) The clerks of the several courts shall pay into the county treasury of the county where the court is held all moneys arising from fines and forfeitures collected by them and, upon failure to do so, shall be subject to rule and attachment as in the case of defaulting sheriffs.

(2) The provisions of paragraph (1) of this subsection shall not apply to the remainder of any fines, after costs, imposed for violation of any traffic offense provided in or authorized by Chapter 6 of Title 40 on an urban interstate system if the arrest or citation in such case was made or issued by a member of the Uniform Division of the Department of Public Safety's motorcycle enforcement unit, in which case such remainder shall be

1 remitted to the Department of Public Safety and used for the maintenance and  
2 enhancement of the Department's motorcycle enforcement program.

3 (3) As used in this subsection, the term 'urban interstate system' means a portion of the  
4 national system of interstate and defense highways which:

5 (A) Is located entirely within any part of this state; and

6 (B) Includes a single numbered interstate highway which forms a closed loop or  
7 perimeter.

8 Where these conditions exist, the urban interstate system shall consist of the interstate  
9 highway constituting the closed loop or perimeter and all interstate highways or portions  
10 thereof located within such loop or perimeter, not including any portion of any interstate  
11 highway outside of the loop or perimeter."

## 12 SECTION 2.

13 Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to  
14 arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, is  
15 amended by striking Code Section 40-13-26, relating to how sentences shall be served and  
16 disposition of fines and costs, and inserting in lieu thereof the following:

17 "40-13-26.

18 (a) Defendants who plead guilty or who are convicted under this article shall be required  
19 to serve their sentences in such manner as is provided for by law in misdemeanor cases. In  
20 case a fine is imposed and paid, the officers of court, where on fee basis, shall first be paid  
21 their costs arising in such case. After the payment of all costs, the remainder of such fine  
22 shall be paid into the county treasury in the event the case is disposed of by the probate  
23 court; if the case is disposed of by the municipal court of an incorporated municipality, the  
24 remainder of such fine or fines shall be paid into the treasury of the municipality where the  
25 court is located, except that where such courts have jurisdiction beyond the corporate limits  
26 of a municipality, and the offense occurs outside the municipality, the fine shall be paid  
27 into the county treasury; provided, however, that in any case where a fine was imposed for  
28 violation of any traffic offense provided in or authorized by Chapter 6 of this title on any  
29 'urban interstate system' if the arrest or citation in such case was made or issued by a  
30 member of the Uniform Division of the Department of Public Safety's motorcycle  
31 enforcement unit, the remainder of such fine shall be remitted to the Department of Public  
32 Safety for the maintenance and enhancement of the Department's motorcycle program. The  
33 judge of the probate court or the person presiding over the municipal court must pay into  
34 the county treasury, or municipal treasury, or Department of Public Safety by the fifteenth  
35 day of each month the remainder of all fines for the preceding month. Such payment must

1 be accompanied by a list showing the name of the defendant in each case, the fine imposed  
2 in each case, the costs in each case and to whom paid, and the balance which is being paid  
3 into the treasury. The official making such payment must be given a written receipt by the  
4 person receiving the payment. No officer receiving a salary will receive any fees for  
5 arresting or attending court in any case arising under this article, but the usual fees must be  
6 assessed, and, if the arresting officer is not entitled to the costs, they must go to the county  
7 or city to which the fine is paid or Department of Public Safety as required by this Code  
8 section.

9 (b) As used in this subsection, the term 'urban interstate system' means a portion of the  
10 national system of interstate and defense highways which:

11 (1) Is located entirely within any part of this state; and

12 (2) Includes a single numbered interstate highway which forms a closed loop or  
13 perimeter.

14 Where these conditions exist, the urban interstate system shall consist of the interstate  
15 highway constituting the closed loop or perimeter and all interstate highways or portions  
16 thereof located within such loop or perimeter, not including any portion of any interstate  
17 highway outside of the loop or perimeter."

### 18 SECTION 3.

19 This Act shall become effective on July 1, 2006, and shall expire June 30, 2011, unless  
20 renewed, and shall apply with respect to fines collected and forfeitures forfeited on or after  
21 July 1, 2006.

### 22 SECTION 4.

23 All laws and parts of laws in conflict with this Act are repealed.